



**REGULAR MEETING OF THE  
PLANNING & ZONING COMMISSION  
GEORGE A. PUREFOY MUNICIPAL CENTER  
COUNCIL CHAMBERS  
6101 FRISCO SQUARE BLVD.  
FRISCO, TEXAS 75034**

**6:30 PM**

**TUESDAY, FEBRUARY 10, 2009**

**MINUTES**

Chairman	Dave Wilcox	Present
Vice Chairman	Christopher Moss	Present
Secretary	Bryan Johnson	Present
Commissioner	Stephen Hulsey	Present
Commissioner	Clint Richardson	Present
Commissioner	Will Russell	Present
Commissioner	Jeff Trykoski	Present

**CALL TO ORDER**

**1. Roll Call**

Chairman Dave Wilcox called the meeting to order at 6:31 p.m.

Representing staff were: John Lettelleir, Director of Planning & Development Services (arrived at 6:31 p.m.); Scott Ingalls, Development Coordinator; Michael Walker, Planner; Judy Egúez, Planner; Ross Culbertson, Planner; Chris Leonard, Neighborhood Services Coordinator; Claire Swann, City Attorney; Alyssa Sanders, Engineer in Training; Joel Fitts, Sr. Traffic Engineer; Phillip Forbus, Assistant Fire Marshall; and Kristen Johnson, Administrative Assistant.

**APPROVAL OF MINUTES**

**2. Consider and act upon approval of minutes of the Planning & Zoning meeting**

on January 27, 2009.

Commissioner Moss moved to approve the minutes. Commissioner Richardson seconded the motion. Motion carries. Vote: 6-0. Minutes approved.

## **CONSENT AGENDA**

Commissioner Hulseley moved to approve Items 3 – 4. Commissioner Russell seconded the motion. Motion carries. Vote: 6-0. Items approved.

3. Revised Final Plat: Park Place Estates, Phase 1 (FP09-0001)  
Owner: Shaddock Developers, LTD.  
155 Single Family-3 lots on 64.5± acres located on the east side of Cotton Gin Road, 4,200± feet south of Main Street. Zoned Planned Development-190-Single-Family-3. Neighborhood #41. JE

### **REMARKS:**

<b>Reason for Revision:</b>	The purpose of the revision is to change the private street designation to public streets.
<b>Access:</b>	Access is provided from Cotton Gin Road and Diamond Point Lane.
<b>Screening:</b>	A screening wall with shrubs and other plant material will be provided in the fifteen (15) foot landscape buffer along Diamond Point Lane.
<b>Tree Preservation:</b>	There are no protected trees on this site.
<b>Street Stubs:</b>	Street connections are provided to Phase 2 of the development.
<b>Additional Information:</b>	This plat complies with the standards set forth in Planned Development-190. Per Planned Development-190, the maximum number of dwelling units if an elementary school is developed shall be 222. Phase 2 of Park Place estates will have a maximum of 67 units.

### **RECOMMENDATION:**

Recommended for approval as submitted.

4. Preliminary Site Plan and  
Conveyance Plat: Hickory Center, Block A, Lots 1 - 9 (PSPCP08-0007)  
Owner(s): Allegiance Frisco LP  
A Big Box, two banks, seven retail buildings, and two restaurants with drive thru lanes on 36.6± acres on the northwest corner of Preston Road and Hickory Street. Zoned Retail. Neighborhood #20. JE

### **REMARKS:**

#### Preliminary Site Plan

<b>Access:</b>	Access is provided from a median opening on Preston Road, from Gary Burns Drive and Hickory Street.
<b>Cross access:</b>	Cross access is provided throughout the development.
<b>Parking:</b>	Parking is adequate.
<b>Open space:</b>	Open space is adequate.
<b>Tree Preservation:</b>	The site does not contain any protected trees.
<b>Facade Plan:</b>	A preliminary facade plan has been submitted for review.
<b>Additional Information:</b>	The approval of the big box use is subject to City Council approval of the ordinance for the big box. The preliminary site plan complies with

the standards of the Preston Road Overlay District.

Conveyance Plat

The plat divides one lot into 9 lots and dedicates the necessary right-of-way for future development.

**RECOMMENDATION:**

Recommended for approval subject to:

Preliminary Site Plan

1. City Council adoption of an ordinance granting a Specific Use Permit for a big box retail on Lot 1.
2. Staff approval of the preliminary façade plan.

Conveyance Plat

As submitted.

5. Final Plat and Revised

Conveyance Plat: SEC of FM 423 and Old Newman Road Addition,  
Lots 1 & 14 (SPFP08-0055)

Owner(s): Newman/423, LLC; SCMC and 423 Storage LP; Frisco  
Stonebrook, LLC; NEC Stonebrook/423, LLC; and 2275HT  
Investments, LTD.

A retail/restaurant building and eight office/medical office buildings on two lots on 8.4± acres on the SEC of FM 423 and Old Newman Road. Zoned Commercial-1. Neighborhood #42. JE

Judy Eguez indicated the Site Plan will be considered at the February 24, 2009 meeting.

Judy Eguez requested that item 5 be pulled from the Consent Agenda. Commissioner Trykoski moved to approve Item 5 Final Plat and Revised Conveyance Plat. Commissioner Moss seconded. Vote: 6-0. Item 5 Final Plat and Revised Conveyance Plat approved.

**REMARKS:**

Revised Site Plan

<b>Reason for Revision:</b>	The revised site plan removes Lots 2, 3, and 4 from the site plan as those lots are not ready to be developed.
<b>Access:</b>	Access is provided from FM 423 and Old Newman Road.
<b>Cross access:</b>	Cross access is provided throughout the development.
<b>Parking:</b>	Parking is adequate.
<b>Screening:</b>	A six foot masonry screening wall will be provided adjacent to the residentially zoned property to the east.
<b>Tree Preservation:</b>	There are no protected trees on this property.
<b>Landscape Plan:</b>	A landscape plan has been submitted for staff review.
<b>Open space:</b>	Open space is adequate.
<b>Façade Plan:</b>	A façade plan for Lot 1 and 14 has been approved with the previous project.
<b>Additional Information:</b>	The site plan conforms to the Preliminary Site Plan approved by the Commission on July 24, 2007.

Final Plat

The plat dedicates all easements necessary for the development of a retail/restaurant building and office/medical office buildings on lots 1 and 14.

Conveyance Plat

The plat divides the property into 14 lots and dedicates the necessary easements and right-of-way for future development.

**RECOMMENDATION:**

Recommended for approval subject to:

Site Plan

Staff approval of the landscape plans.

Final Plat

Additions and/or alterations to the engineering plans as required by Engineering Services.

Conveyance Plat

As submitted.

**PUBLIC HEARINGS**

6. Public Hearing: Zoning Case (Z08-0018)

Owner(s): Trike Properties, LP/Davis Development

A request to amend Planned Development-196 regarding permitted uses and development standards for Tract 4. The property contains 36.2± acres on the southwest corner of Warren Parkway and Parkwood Boulevard. Zoned Planned Development-196-Mixed Use (PD-196-MXD). Neighborhood #35. MW

Michael Walker reviewed staff comments with the Commission and recommended approval.

Commissioner Richardson moved to open the public hearing. Commissioner Hulsey seconded the motion. Motion carries. Vote: Unanimous.

There being no one to speak, Commissioner Moss moved to close the public hearing. Commissioner Hulsey seconded the motion. Motion carries. Vote: Unanimous.

Following review and discussion, Commissioner Richardson moved to approve. Commissioner Moss seconded the motion. Motion carries. Vote: Unanimous. Item approved.

**HISTORY:**

**Ordinance No. 88-03-05.** The City Council approved Planned Development-25 to allow for the development of office and retail uses on 313± acres on March 15, 1988.

**Ordinance No. 06-07-82.** The City Council adopted an Ordinance rezoning the property from Planned Development-25 to PD-196-Mixed Use on July 18, 2006.

**BACKGROUND:**

An application was submitted by Trike Properties, LP and Davis Development to amend the Planned Development to allow the development of mid-rise multifamily on Tract 4 in lieu of the multi-family.

To amend a portion of a Planned Development, the entire property governed by the Planned Development Ordinance must be opened up for consideration. There are currently three property owners within the boundaries of the Planned Development:

- Trike Properties
- Champion Warren, LTD
- Post Properties

Per the Comprehensive Zoning Ordinance, all property owners must be a part of the application or the Planning & Zoning Commission or City Council may call a Public Hearing in order to amend the Planned Development "when it finds that public benefit will be derived from consideration of such matter". Champion Warren, LTD is party to this application. Post Properties is developing a similar product on two other tracts within the Planned Development. While Post Properties does not object to the rezoning, they do not feel it is appropriate for them to be party to an application for a competing product. The Planning & Zoning Commission called a public hearing for this zoning case at their January 13, 2009 meeting.

#### CASE OVERVIEW:

The surrounding land uses are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Office (Duke Bridges Office Park)	PD-25-Business Center	Mixed-Use Non-Residential
East	Retail (Center at Preston Ridge)	PD-25-Business Center	Retail
South	Office/Hotel	PD-25-Business Center	Mixed-Use Non-Residential
West	Office (Hall Office Park)	PD-59-Business Center	Office

The applicant's request is to amend PD-196 regarding the permitted uses and development standards for Tract 4. The original Planned Development was specific in the development standards that Tract 4 was to develop as high-rise residential towers with a maximum of 220 units. The applicant's request is to develop a four-story residential project similar to what is currently being constructed on Tracts 2 and 3 by Post Properties. Based on the layout on Exhibit "D", the applicant is proposing 228 units.

Staff is recommending that the development standards for Tract 4 be amended to reflect the same standards as Tracts 2 and 3, the mid-rise, residential/mixed use tracts.

#### RECOMMENDATION:

Staff recommends approval of the request, subject to the following conditions. Additions are denoted in **bold text**, and deletions are denoted in ~~strike through~~:

#### EXHIBIT "C"

#### PLANNED DEVELOPMENT STANDARDS

##### V. Tract 4 Development Regulations.

A. ~~Permitted Uses.~~ High-rise multifamily residence use only.

B. ~~Size of Yards.~~

1. ~~Minimum Front Yard.~~ None. An additional 20 foot front yard setback is required for that portion of a structure above 60 feet in height.

2. ~~Minimum Side and Rear Yards. None.~~

C. ~~Size of Lots.~~

1. ~~Minimum Lot Area. 10,000 square feet.~~

2. ~~Minimum Lot Width. 100 feet.~~

3. ~~Minimum Lot Depth. 100 feet.~~

D. ~~Maximum Height. 300 feet.~~

E. ~~Maximum Lot Coverage. 85%~~

F. ~~Maximum Floor Area Ratio. Unlimited.~~

G. ~~Maximum Residential Dwelling Units. 220.~~

A. **Permitted Uses.** The following uses shall be permitted by right in addition to those uses permitted in the Office-2 District and the Retail District as they currently exist or may be amended:

1. Townhome and multi-family residence uses as set forth in Section 3.03(A) of the Comprehensive Zoning Ordinance, as it currently exists or may be amended.
2. Residential buildings fronting interior streets shall have a minimum first-floor floor-to-floor height of 14 feet designed to accommodate the potential for studio residences and/or retail uses.

B. **Size of Yards.**

1. **Minimum Front Yard.** Build-to lines are required adjacent to interior streets as shown on Exhibit "D-2." An additional 100 foot front yard urban form setback is required for that portion of a structure above 60 feet in height as shown in Exhibit "F" (excluding rooflines, architectural enhancements, towers, cupolas, or similar features and parking garages constructed behind main buildings).

2. **Minimum Side and Rear Yards.** None.

C. **Maximum Height.** 300 feet.

D. **Maximum Lot Coverage.** 85%.

E. **Maximum Floor Area Ratio.** Unlimited.

7. Public Hearing: Specific Use Permit (SUP08-0011)

Frisco Day Care School

Owner: Kreative Kids Academy LLC.

A request for a Specific Use Permit (SUP) for a Child Day Care on 2.2± acres, on the north side of Eldorado Parkway, 115± feet west of Coit Road. Zoned PD-88-Office-1. Neighborhood #8. RC

Ross Culbertson reviewed staff comments with the Commission and recommended approval.

Commissioner Moss moved to open the public hearing. Commissioner Trykoski seconded the motion. Motion carries. Vote: Unanimous.

Speaking for: David Kochalka, Kimley-Horn.

Speaking against: Traevic Donnelly, Homeowner.

There being no one else to speak Commissioner Moss moved to close the public hearing. Commissioner Hulse seconded the motion. Motion carries. Vote: Unanimous.

Following review and discussion, Commissioner Moss moved to approve. Commissioner Richardson seconded the motion. Motion carries. Vote: Unanimous. Item approved.

**REMARKS:**

This is a request for a Specific Use Permit to allow for a Day Care to be licensed for a maximum capacity of 152 children. The Comprehensive Zoning Ordinance requires 65 square feet of play space for each child, totaling 9,880 square feet. The project will provide 10,280 square feet, exceeding the requirement.

The applicant held a neighborhood meeting on Thursday, January 29, 2009. One neighborhood HOA member was present and gave favorable response as general information about the use and site development was discussed. Planning staff also attended this meeting.

Zoning and land use of the surrounding properties are as follows:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>	<u>Comprehensive Plan</u>
<b>North</b>	Vacant	Agriculture	Public School
<b>East</b>	Vacant	Retail	Retail & Single Family Residential
<b>South</b>	Vacant	Planned Development-3-Mixed Use	Retail & Single Family Residential
<b>West</b>	AT&T Cell Tower	Planned Development-88-Retail	Single Family Residential

The Zoning Ordinance lists four criteria in determining the appropriateness of the SUP Request. The following are the four criteria and staff's comments on each of the criteria:

1. Is the property harmonious and compatible with its surrounding existing uses or proposed uses?

Day cares are allowed in several residential and non-residential zoning districts with the approval of a Specific Use Permit. The Comprehensive Plan recommends that:

- Day care centers should be located along major and minor thoroughfares, or as part of a mixed use development located on a collector street or higher.

The proposed day care center is located along Eldorado Parkway, a major thoroughfare. The day care is compatible with surrounding uses.

- Day care centers should have direct access from a median opening.

The day care center has direct access to a median opening on Coit Road.

- The architectural character of day care centers should be compatible with surrounding residential uses (other surrounding uses also noted).

The applicant has submitted preliminary façade plans and will be required to submit full façade plans at the time of final site plan review. The proposed building will be harmonious to other surrounding uses. The building will be a one-story structure with multiple pitched roofs and material choices of brick and stone.

- Parking areas should be screened with landscaping or berms.

Parking areas facing Eldorado Parkway will be screened by landscape buffers as required by the PD Ordinance.

- Day care centers should not be located at residential subdivision entrances.

The day care center is not located at a residential subdivision entrance.

2. Are the activities requested by the applicant normally associated with the requested use?

The facility directs its business to children and their care. This type of use is commonly found in retail centers.

3. Is the nature of the use reasonable?

The development of a day care center at this location is reasonable. The day care is located within a future Planned Development site for office use and is in close proximity to residential neighborhoods to the east and west of which the use will provide a service to these residents.

4. Has any impact on the surrounding area been mitigated?

This use does not create any negative impacts on the surrounding properties.

**SUMMARY:**

In staff's opinion the request meets the four criteria for approval of the Specific Use Permit.

**RECOMMENDATION:**

Recommended for approval as submitted.

8. Public Hearing: Sign Ordinance Variance (V09-0001)  
 Owner(s): J.R. & Leslie Smock, Kwik Kar  
 A request for a variance to Section 1.01 (A) Monument (Individual) Sign of the Sign Ordinance to allow for a larger monument sign without masonry border, described as Preston Vineyards Retail, Block A, Lot 2, also described as 6614 Preston Road. Zoned Commercial-1. Neighborhood #24. SI  
 Scott Ingalls reviewed staff comments with the Commission and recommended denial.  
 Commissioner Trykoski moved to open the public hearing. Commissioner Moss seconded the motion. Motion carries. Vote: Unanimous.  
 Speaking for: J.R. Smock, Kwik Kar.  
 Jeff Gibbons, Encore Image.  
 Speaking against: None.  
 There being no one else to speak Commissioner Moss moved to close the public hearing. Commissioner Hulsey seconded the motion. Motion carries. Vote: Unanimous.  
 Commissioner Moss moved to go into executive session per Section 551.071 – Private consultation with the City Attorney. Commissioner Hulsey seconded the motion. Motion carries. Vote: Unanimous.  
 Commissioner Moss moved to return to regular session. Commissioner Hulsey



seconded the motion. Motion carries. Vote: Unanimous.

Following review and discussion, Commissioner Russell moved to deny. Commissioner Trykoski seconded the motion. Motion carries. Vote: Unanimous. Item denied.

**REMARKS:**

The applicant, A-1 Signs has submitted a variance request to update a monument sign that exceeds the maximum square footage and does not have the required one foot masonry border. See attached drawings and photos. Also attached is the application and explanation provided by the applicant.

Under the requirements of the Sign Ordinance monument signs must be constructed with a one (1) foot masonry border and are limited to a maximum height of eight (8) feet and sixty (60) square feet in area. The proposed sign is approximately 80 square feet in area and lacks the masonry border. The sign does have a brick base which could be extended upward on both ends and then across the top to provide the required border.

The monument sign predates the City's requirements for both maximum area and the masonry border. The sign is a legal non-conforming sign and can remain in place and be maintained indefinitely. Only when the structure of the sign is being altered does the requirement for maximum size and border come into play. The replacement of sign panels with an electronic message board requires a change in the structure of the sign. When the structure of the sign is altered the sign must then be brought into compliance with Sign Ordinance requirements.

The Sign Ordinance states the Commission shall determine that a request meets three of the following four criteria in order to approve a variance request. The four criteria are as follows with staff's comments on each of the criteria.

1. The proposed sign shall not adversely impact the adjacent property (visibility, size, etc.).

Staff agrees that the proposed sign will not have an adverse impact upon adjacent properties.

2. The proposed sign will be of a unique design or configuration.

The proposed sign is not of a unique design or configuration. It is a standard monument sign that does not meet Ordinance requirements.

3. The special exception is needed due to restricted area, shape, the topography, or physical features that are unique to the property on which the proposed sign would be erected.

There are no site restrictions due to area, shape, topography or other physical features.

4. The special exception will substantially improve the public convenience and welfare and does not violate the intent of this ordinance.

The applicant's explanation is insufficient as to how this sign will substantially improve the public convenience and welfare and in staff's opinion it does violate the intent of the Sign Ordinance.

It is staff's opinion that the request does not meet three of the four criteria specified by the Ordinance.

**RECOMMENDATION:**

Staff recommends denial of the variance request.

9. Public Hearing: Comprehensive Zoning Ordinance Amendment  
(ZA08-0005)

Applicant(s): City of Frisco

A request to amend Article IV, Section 9.12 (A) of the Comprehensive Zoning Ordinance regarding the definition of Automotive Uses. SI

Scott Ingalls reviewed staff comments with the Commission and recommended approval.

Commissioner Moss moved to open the public hearing. Commissioner Hulsey seconded the motion. Motion carries. Vote: Unanimous.

There being no one to speak, Commissioner Moss moved to close the public hearing. Commissioner Russell seconded the motion. Motion carries. Vote: Unanimous.

Following review and discussion, Commissioner Moss moved to approve. Commissioner Russell seconded the motion. Motion carries. Vote: Unanimous. Item approved.

**REMARKS:**

Due to an error in the publication of the public hearing notice, the Commission is asked to again consider this amendment in a public hearing. The appropriate public hearing notice has been published in accordance with zoning requirements.

Article IV, Section 9.12 provides for separation from residential development and automotive uses including such uses as:

- Sales;
- Leasing;
- Renting;
- Repairing;
- Servicing; or
- Washing of automobiles and other motor vehicles.

The intent of this section is to minimize the impact that these automotive uses would have on adjacent residential neighborhoods. Adverse impacts would include noise from engines, loud speakers, radios, fuel pump speakers, and vehicle passengers. It would also include fumes such as engine exhaust and fuel spills.

What the section does not address is convenience stores with fuel pumps or simple fueling stations such as can be found at grocery stores or other big box retail businesses. This was the original intent of the amendment but the approved ordinance clearly did not address this situation.

The definition does not include the fueling of automobiles and other vehicles as an automotive use and this action is not covered under those uses that are listed. This issue was recently discovered while addressing a situation that would place a convenience store with fuel pumps in close proximity to a residential neighborhood.

This issue can be resolved with the addition of fueling under the definition of automotive use. This will continue the intent of the section and provide a buffer between residential neighborhoods and convenience stores with fuel pumps or fueling stations.

**RECOMMENDATION:**

Recommended for approval as submitted. Underlines indicate the addition of text; ~~strikethroughs~~ indicate the deletion of text.

**ARTICLE IV – SITE DEVELOPMENT REQUIREMENTS**

**SECTION 9 – SPECIAL AND ADDITIONAL SUPPLEMENTARY REGULATIONS**

**9.12 ADJACENCY OF CERTAIN USES TO RESIDENTIAL ZONING**

- (A) All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of two hundred fifty (250) feet from any residential zoning district. No service bay shall face a residential zoning district. An automotive use shall be defined as the:

- Sales;
- Leasing;
- Renting;
- Servicing;
- Repairing;
- Fueling; or
- Washing of automobiles, motorcycles, trucks, or any other motor vehicle.

## **GENERAL INFORMATION**

10. Sustainability Presentation Series.  
John Lettelleir presented a Power Point on Sustainability. The topic of this presentation was health.
11. The Planning & Zoning Commission shall enter into a closed executive session to consult with its City Attorney, as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001, to discuss individual liability for public officials.  
Commissioner Moss moved to return to regular session. Commissioner Russell seconded the motion. Motion carries. Vote: Unanimous.
12. Update on the results of the February 3, 2009 City Council meeting. SI  
Scott Ingalls updated the commission on the results from the February 10, 2009 City Council meeting.
13. Scheduling of future Discussion Items. SI  
Commissioner Wilcox asked for an item to be placed on a future agenda to discuss the masonry screening wall issue on the southwest corner of Main Street and Teel Parkway.

## **ADJOURN**

There being no further business, Commissioner Moss moved to adjourn the meeting at 8:27 p.m. Commissioner Hulseby seconded the motion. Motion carries. Vote: Unanimous. Meeting adjourned.

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**Dave Wilcox, Chairperson**

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**Bryan Johnson, Secretary**